

REMARKS

Claims 1-6, 9-20, 23, 29-39 are pending in the application.

Claims 1-6, 9-20, 23, 30-33, 35, 37 and 39 have been rejected.

Appreciation is expressed for the indicated allowability of claims 29, 34, 36 and 38.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2001/0030974 (“Pauwels”) in view of U.S. Patent No. 6,760,328 issued to Ofek (“Ofek”) in view of U.S. Publication No. 2002/0041595 (“Delvaux”). Applicants respectfully traverse this rejection. Applicants respectfully submit that the proposed combination of Pauwels, Ofek, and Delvaux fails to disclose each feature recited in claim 1.

Specifically, Applicants respectfully submit that the proposed combination fails to disclose, at least, “at any time during transmission of said second data stream, interrupting said transmission of said second data stream to resume transmission of said first data stream to the switching fabric.” The Office Action admits that Pauwels fails to disclose this feature. Office Action, p. 3. In order to address this missing disclosure, the Office Action cites Ofek as purportedly disclosing “interrupting said transmission of said second data stream to resume transmission of the first data stream to the switching fabric” and Delvaux as purportedly disclosing “at any time during transmission of said second data stream” interrupting said second data stream to resume transmission of said first data stream. *Id.*

The Office Action states that Ofek teaches resuming transmission of a first data stream (which the Office Action equates to Ofek’s low priority packet) “responsive to the completion signal.” Office Action, p. 3. Ofek’s completion signal indicates “completion of the scheduled transfer of the high first priority packet,” wherein the high priority packet interrupted the low priority packet. *See* Ofek 27:5-18. Applicants respectfully submit that this passage fails to disclose interruption of the high priority packet (which

the Office Action equates with the claimed second data stream). Instead, the cited portion of Ofek clearly discloses waiting until the transmission of the high priority packet is complete. Once a completion signal is received indicating the transmission of the high priority packet is complete, then, and only then, is transmission of the low priority packet resumed. Therefore, Applicants respectfully submit that the cited passage of Ofek fails to disclose the claimed feature of “interrupting said transmission of said second data stream to resume transmission of the first data stream to the switching fabric.”

The Office Action states that Delvaux’s teaching of suspending transmission of a first data stream while the “first data stream transmission is in progress” discloses the claimed interrupting transmission of a second data stream “at any time during transmission of said second data stream.” Office Action, pp. 3-4. The cited portion of Delveaux discloses a means for suspending a first data stream, transmitting a second data stream, and resuming the first data stream after the second data stream has been transmitted. *See* Delveaux, claim 90. Similar to Ofek, Delveaux discloses that the second data stream is transmitted “in its entirety” before the first data stream is resumed. *See, e.g.,* Delveaux ¶ [0067], p. 7, l. 3. Therefore, Applicants respectfully submit that the cited passage of Delveaux fails to disclose interrupting transmission of a second data stream to resume transmission of a first data stream, much less doing so “at any time during transmission of the first data stream,” as is recited in claim 1.

For at least the foregoing reasons, Applicants respectfully request the Examiner’s reconsideration and withdrawal of the rejection to claims 1-6, 9-20, 23, 30-33, 35, 37 and 39 as claims 13, 23, and 30 recite features similar to those in claim 1 and claims 2-6, 9-12, 14-20, 31-33, 35, and 37 depend therefrom, an indication of the allowability of the same.

Claims 1-6, 9-20, 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,497,371 issued to Ellis, et al. (“Ellis”) and U.S. Patent No. 6,760,328 issued to Ofek (“Ofek”) in view of U.S. Publication No. 2002/0041595 (“Delvaux”). Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,497,371 issued to Ellis, et al. (“Ellis”) and U.S. Patent No. 5,517,495 issued to Lund, et al. (“Lund”) in view of U.S. Publication No.

2002/0041595 ("Delvaux"). Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,497,371 issued to Ellis, et al. ("Ellis") and U.S. Patent No. 5,517,495 issued to Lund, et al. ("Lund"), U.S. Patent No. 6,760,328 issued to Ofek ("Ofek") in view of U.S. Publication No. 2002/0041595 ("Delvaux"). Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,497,371 issued to Ellis, et al. ("Ellis"), U.S. Patent No. 6,760,328 issued to Ofek ("Ofek") and U.S. Publication No. 2002/0041595 ("Delvaux") and further in view of U.S. Patent No. 6,745,264 issued to Luke, et al. ("Luke"). Applicants respectfully traverse these rejections for at least the foregoing reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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